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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/903,724	07/12/2001	Thomas J. O'Connor	AUS920010327US1	9318
45371 7590 06/25/2007 IBM CORPORATION (RUS) c/o Rudolf O Siegesmund Gordon & Rees, LLp 2100 Ross Avenue Suite 2600 DALLAS, TX 75201			EXAMINER HAMILTON, LALITA M	
			ART UNIT 3691	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/903,724

Applicant(s)

O'CONNOR ET AL.

Examiner

Lalita M. Hamilton

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on April 10, 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14, 21 and 29-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14, 21, and 29-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

On April 6, 2006, an Office Action was sent to the Applicant rejecting claims 1-36. On April 10, 2007, the Applicant responded by amending claims 1-5, 8-14, 21, and 29-32 and canceling claims 15-20 and 22-28.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-14, 21, and 29-36 are rejected under 35 U.S.C. 102(e) as being anticipated by Jacoby (2002/0107746).

Jacoby discloses a method and corresponding apparatus and storage medium for trading comprising providing a pricing hint during an on-line sale offering to a first computer connected to a network comprising: a second computer connected to the network; a database in the memory of the second computer; a program in the memory of the second computer for causing the first computer responsive to a user selecting the database to search the database, to identify a pricing hint, and, to display the pricing hint (p.1, 11; p.5, 58-61; and p.6, 72 to p.7, 73); the program determines the pricing hint based on historical data by accessing the database to identify a historical price paid at an earlier date for product matching file online sale offering, and to display the historical

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pricing the first computer as the pricing hint (p.1, 11; p.5, 58-61; and p.6, 72 to p.7, 73);
the program determines the pricing hint based on a current price by accessing the
database to identify, a price at which the on-line sale offering is currently being publicly
offered for sale, and displaying the currently offered price on the first (p.1, 11; p.5, 58-
61; and p.6, 72 to p.7, 73); the program provides the pricing hint based on a market
value by accessing the database to identify a given number of similar products to
calculate the market value based on the given number of similar products and to display
the historical price on the first computer as the pricing hint (p.1, 11; p.5, 58-61; and p.6,
72 to p.7, 73); selecting an item on which to bid; invoking a bid advisor program;
selecting a type of bid assistance, and responsive to selecting the type of bid
assistance, searching a database, determining a pricing hint based on the type of bid
assistance selected, and displaying the pricing hint (p.1, 11; p.5, 58-61; and p.6, 72 to
p.7, 73); placing a bid (p.1, 11; p.5, 58-61; and p.6, 72 to p.7, 73); selecting a bid
assistant (p.1, 11; p.5, 58-61; and p.6, 72 to p.7, 73); selecting bid assistance based
upon historical pricing by accessing the database to identify historical price paid at an
earlier date for a product matching the online sale offering, and to display the historical
price on the first computer as the pricing hint (p.1, 11; p.5, 58-61; and p.6, 72 to p.7,
73); selecting bid assistance based upon a market value by accessing the database to
identify a given number of similar products, to calculate the market value based on a
given number of similar products, and to display the market value on the first computer
(p.1, 11; p.5, 58-61; and p.6, 72 to p.7, 73); selecting bid assistance based upon a
current offering by accessing the database to identify a currently offered price at which

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the on-line sale offering is currently being publicly offered for sale and displaying the currently offered price on the first computer as the pricing hint (p.1, 11; p.5, 58-61; and p.6, 72 to p.7, 73); a server computer; a client computer; a database; a network connecting the server computer, the client computer, and the data base, and a bid advisor program installed on said server computer that, responsive to a user selecting the database, causes the server computer to search the database, and; causes the client computer to display the pricing hint; wherein the database is selected from the group consisting of: historical price database, current price database, and a market value database; wherein the historical pricing database contains a plurality of data adapted to be searched by the programmable apparatus so that a historical price paid at an earlier date for a product matching the online sale offering can be identified and displayed on a user's computer as the pricing hint; wherein the current price database contains a plurality of data adapted to be searched by the programmable apparatus so that a price at which the online sale offering is currently being publicly offered for sale can be identified and displayed on a user's computer as the pricing hint; and wherein the market value database contains a plurality of data adapted to be searched by the programmable apparatus so that a given number of similar products can be identified, a market value calculated based on a given number of similar products, and the market value displayed on a user's computer as the pricing hint (p.1, 11; p.5, 58-61; and p.6, 72 to p.7, 73); historical pricing program installed on said server computer that accesses the historical price database to identify the historical price(p.1, 11; p.5, 58-61; and p.6, 72 to p.7, 73); current price pricing program installed on said server computer that

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accesses the current price database to identify the current price (p.1, 11; p.5, 58-61; and p.6, 72 to p.7, 73); a market value pricing program installed on said server computer that accesses the market value database to identify a number of similar products and to calculate the market value based on the given number of similar products (p.1, 11; p.5, 58-61; and p.6, 72 to p.7, 73); the bid advisor program further comprises a current price program (p.1, 11; p.5, 58-61; and p.6, 72 to p.7, 73); the bid advisor program further comprises a market value program (p.1, 11; p.5, 58-61; and p.6, 72 to p.7, 73); the data base further comprises an historical pricing data base (p.1, 11; p.5, 58-61; and p.6, 72 to p.7, 73); the data base further comprises a current price data base (p.1, 11; p.5, 58-61; and p.6, 72 to p.7, 73); the data base further comprises a market value data base (p.1, 11; p.5, 58-61; and p.6, 72 to p.7, 73); and bid advisor program is included within the web browser program (p.1, 11; p.5, 58-61; and p.6, 72 to p.7, 73).

Although the Examiner has pointed out particular references contained in the prior art(s) of record in the body of this action, the specified citations are merely representative of the teachings in the art as applied to the specific limitations within the individual claim. Since other passages and figures may apply to the claimed invention as well, it is respectfully requested that the applicant, in preparing the response, to consider fully the entire references as potentially teaching all of the claimed invention, as well as the context of the passage as taught by the prior arts or disclosed by the Examiner.

Response to Arguments

Applicant's arguments with respect to claims 1-14, 21, and 29-36 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lalita M. Hamilton whose telephone number is (571) 272-6743. The examiner can normally be reached on Tuesday-Thursday (6:30-2:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kalinowski Alexander can be reached on (571) 272-6771. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



LALITA M. HAMILTON
PRIMARY EXAMINER